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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,270	08/14/2000	Elizabeth Denious	10257/4	9603

757 7590 12/14/2001
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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/638,270	DENIOUS ET AL.
	Examiner Kathleen M Christman	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
 - 4a) Of the above claim(s) 15-41 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 8-13 is/are rejected.
- 7) Claim(s) 4-7, and 14 is/are objected to.
- 8) Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, drawn to a method for delivering a course to a user, classified in class 434, subclass 350.
 - II. Claims 15-22 and 35-41, drawn to a method for authoring a course and testing the course, classified in class 434, subclass 118.
 - III. Claims 23-34, drawn to a method for authoring a course, classified in class 434, subclass 322.
2. The inventions are distinct each from the other because inventions I-III are *prima facie* independent and distinct inventions due to their recitations of distinct and specific structures. Invention I is directed to a method for providing a training course in which an illustrative scenario is defined, possible role assignments for corresponding students are defined, tasks for the students are provided and a guidance system is established. Invention II is directed to several methods of developing a training course in which, *inter alia*, the user selects the material that will be in the course, organizes the material in the course into groups or topics, and tests the course on a series of test subjects. Invention III is drawn to a method for authoring a course in which the scope of the course is defined, the organizational structure of the course is defined, learning elements are associated with the organizational structure, and the presentation is viewed and used in a way consistent with an instructor-student interaction model.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II or III, and similarly for all Group combinations, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Darien Bartholomew (36,444) on 12/05/01 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-41 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "the electronic tools". There is insufficient antecedent basis for this limitation in the claim. It appears that the claim should depend from claim 2 and has been treated as such for the purposes of this office action.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane et al (US 5813683). Regarding claim 1, Sloane et al teaches a method for delivering a course in which an illustrative scenario is created for delivering courseware to a user (the interactive/contextual adventure), at student (user) is assigned a role based on the illustrative scenario (see col. 6 line 60), a task is given to the student based on the scenario (i.e. "make it through the evening without contracting a disease"), and

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a guidance system is established for the student to receive guidance in solving the tasks (virtual advisors, col. 8: 57+). There is an electronic library in which the user may access information, claim 8, and the presentations may include graphs photo, and/or videos, claim 9, see col. 9: 40+. Sloane et al teaches that the system is deliverable and useable over an electronic communication network in col. 2: 33-34.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2, 3, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane et al (US 5813683) in view of Cook et al (US 5727950). Sloane et al does not teach that the guidance system will comprise a list of electronic tools (claim 2), the electronic tools being a calculator (claim 3), a real-time communication link, to students (claim 12), an e-mail communication link with students (claim 11), and a communication link to an instructor (claim 13).

Cook et al teaches about tools and a calculator in col. 10: 26-30. Cook et al teaches about communication links starting at col. 45: 10. As the system of Cook et al is equally applicable any area of instruction it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to incorporate the agent system of Cook et al with the educational program of Sloane et al in order to provide a more effective and robust guidance system.

Allowable Subject Matter

12. Claims 4-7 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Brown (US 6210272 B1) teaches a game in which each player is assigned a character, the characters must work together to achieve a common goal
- b. Lotecka (US 6296487 B1) teaches a system in which the user is assigned a character within a virtual environment and is given a task to complete
- c. Baer (US 4846693) teaches a system where the user can completely interact with a video learning system
- d. Best (US 5393071) teaches an interactive system in which the user may interact with characters on the screen
- e. Baker et al (US 6106399) teaches a multi-player internet role-playing game
- f. Freeman et al (6301462 B1) a system for teaching science experiments where the user can perform an experiment on-line and/or in a group

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Kathleen M. Christman
Kathleen M. Christman
Patent Examiner
December 7, 2001

Joe H. Cheng
Joe H. Cheng
Primary Examiner